

## REMARKS

Claims 1, 4, 8, and 11 have been amended. No claims have been added or cancelled. Therefore claims 1-14 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### Section 103(a) Rejection:

The Examiner rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Buican et al. (U.S. Patent 6,339,536) (hereinafter "Buican"). Applicant respectfully traverses this rejection for at least the following reasons.

Regarding claim 1, contrary to the Examiner's assertion, Buican fails to teach or suggest that *the frame includes a plurality of tabs arranged around the opening, wherein the tabs on one side of the opening are staggered with respect to the tabs on the other side of the opening*. The Examiner equates component 806 (Buican's alignment tab) to these tabs. However, there is clearly only one alignment tab 806 in Buican's window ledge 801, as described in column 5, lines 36-43.

In the Office Action mailed April 13, 2006 the Examiner admits that Buican is silent as to an additional tab to tab (806) around the opening (801) but submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to "add an additional tab on opening as taught by Buican, et al., in order to provide stronger securing means of a shield bracket." However, Buican's alignment tab 806 is not used as a securing means for a shield bracket, as the Examiner suggests. Instead, it is used for aligning I/O shield bracket 701 during mounting. For example, column 5, lines 36-43 includes the following description, "...window ledge 801 includes an alignment tab 806 that when I/O shield bracket 701 is removably attached to window ledge 801 resides in notch 709... alignment tab 806 prevents I/O shield bracket 701 from being installed up side down with respect to the computer system chassis." Therefore,

the Examiner's suggestion to modify Buican to include multiple, staggered tabs 806 is completely unsupported by the teachings of Buican or any other evidence of record.

Also regarding claim 1, Buican fails to teach or suggest *wherein the shield bracket is between a retaining portion of each of the plurality of tabs and a surface of the frame to cover the opening*. In the Office Action mailed January 4, 2006 the Examiner referred to components in figures 1 and 7-9 as teaching *wherein the shield bracket is slidable to cover the opening*. While Buican's shield bracket is described as "removable", nowhere is it described or depicted as being "slidable to cover the opening."

In the Office Action mailed April 13, 2006 the Examiner admits that Buican is silent as to a slidable bracket, but submits that the shield bracket would have to be slid (horizontally) toward the opening (801) by the user, in order to mount the bracket and cover the opening (801) of the computer chassis. However, this action is clearly not the same as sliding the shield bracket *between a retaining portion of each of the plurality of tabs and a surface of the frame*, as recited in claim 1. In fact, alignment tab 806 in Buican is specifically designed to prevent such sliding. Thus, Buican actually teaches away from Applicant's claimed invention.

Finally, regarding claim 1, Buican fails to teach *wherein, when covering the opening, the shield bracket is retained by the plurality of tabs of the frame*. The Examiner refers to shielding tabs 703 as teaching this limitation. **However, this is in direct conflict with the Examiner's reliance on alignment tab 806 to teach the plurality of tabs around the opening as recited in Applicant's claim 1.** Applicant also notes that the Examiner failed to address this argument in the present Office Action.

Furthermore, shielding tabs 703 are part of Buican's shielding bracket, not the frame. Also, shielding tabs 703 are not arranged around the opening where the tabs on one side of the opening are staggered with respect to the tabs on the other side of the opening, as recited in Applicant's claim 1.

Moreover, Applicants claim 1 recites that *the shield bracket is slidable between a retaining portion of each of the plurality of tabs and a surface of the frame to cover the opening*. However, shielding tabs 703 are part of Buican's shielding bracket. Thus, shielding tabs 703 cannot correspond to the plurality of tabs recited in Applicant's claim 1.

Applicant reminds the Examiner that to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond*, 910 F.2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). As discussed above, the cited art does not teach or suggest all limitations of Applicant's claim 1. Furthermore, the Examiner's suggestions to modify the teachings of Buican are unsupported in the prior art and would not lead to the present invention.

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested.

Independent claim 8 includes similar limitations to those discussed above regarding claim 1. Therefore the arguments presented apply with equal force to claim 8, as well.

Regarding claim 2, contrary to the Examiner's assertion, Buican fails to teach or suggest *the apparatus as recited in claim 1 further comprising at least one spring finger inserted into a gap between the shield bracket and the frame*. The Examiner cites Buican's snap finger 705, illustrated in FIG. 9, as teaching this limitation. However, Applicant asserts that snap finger 705 is not inserted into a gap between Buican's shield bracket 701 and window ledge 801. Instead, each snap finger 705 is included on shield bracket 701 and "includes a detent 710 that resides in a circular detachment hole 803 of

window ledge 801 when I/O shield bracket 701 is removable attached to window ledge 801.” Therefore, these snap fingers are not inserted between shield bracket 701 and window ledge 801. Furthermore, these snap fingers 705 are not described as comprising any properties of a **spring**, and would not be considered spring fingers by one of ordinary skill in the art.

For at least the reasons above, the rejection of claim 2 is not supported by the cited art and removal thereof is respectfully requested.

Claim 9 includes similar limitations to those discussed above regarding claim 2. Therefore the arguments presented above apply with equal force to claim 9, as well.

Regarding claim 3, contrary to the Examiner’s assertion, Buican fails to teach or suggest *the apparatus as recited in claim 2, wherein the spring finger is made of a flexible electrically conductive material*. First, as discussed above, Buican’s snap finger 705 is clearly not equivalent to the spring finger of Applicant’s claims. In addition, the Examiner admits that Buican is silent as to the spring finger being made of a flexible electrically conductive material, but submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a flexible electrically conductive material in the spring finger as taught by Buican in order to maintain electrical and conductive continuity within a computer system comprising electrically conductive side panels. The Examiner’s citation (column 1, lines 19-34) does not describe electrically conductive side panels. Therefore, Applicant assumes the Examiner means to cite column 3, lines 19-34 instead. While this passage states that, “A computer system chassis typically includes electrically conductive side panels...” it also states, “However some portions may be made of non conductive materials such as e.g., plastic. Non conductive portions of a chassis may be coated with an electrically conductive substance for EM shielding purposes.” Therefore, Applicant submits that it would not be obvious to make a spring finger of an electrically conductive material. Furthermore, nothing in this citation, or elsewhere, suggests that a spring finger (or a snap finger 705) is made of a flexible material, as in Applicant’s claim 3.

For at least the reasons above, the rejection of claim 3 is not supported by the cited art and removal thereof is respectfully requested.

Claim 10 includes similar limitations to those discussed above regarding claim 3. Therefore the arguments presented above apply with equal force to claim 10, as well.

Regarding claim 4, contrary to the Examiner's assertion, Buican fails to teach or suggest *the apparatus as recited in claim 1, further comprising a fastener, wherein the fastener is coupled to the secure the shield bracket to the frame*. The Examiner submits that Buican teaches a fastener in column 3, lines 42-48; column 5, lines 34-55; and column 5, lines 44-47. However, these passages do not describe a fastener that is *coupled to secure the shield bracket to the frame*. Rather, they describe various I/O connectors (i.e., electrical connectors), such as RS 232 connectors, USB connectors, SCSI connectors, etc., that pass through holes 714 in a plate 721 of shield bracket 701.

For at least the reasons above, the rejection of claim 4 is not supported by the cited art and removal thereof is respectfully requested.

Claim 11 includes similar limitations to those discussed above regarding claim 4. Therefore the arguments presented above apply with equal force to claim 11, as well.

In regard to claims 6, 7, 13 and 14, the Examiner has supplied no evidence whatsoever to support her assertions of what would have been obviousness. Applicant traverses the Examiner's statements of obviousness in regard to these claims. The Examiner's statements as to what would have been obvious amount to nothing more than the Examiner's own opinion and are completely unsupported by any evidence of record. "Deficiencies of the cited references cannot be remedied by the [Examiner's] general conclusions." *In re Zurko*, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001). Therefore, the rejection of these claims is improper. The Examiner's assertion that copper and beryllium are alternate equivalent materials for the material described in Buican is

completely unsupported by any evidence of record. The Examiner must produce evidence showing that copper and beryllium are recognized alternate equivalents for the material used in Buican or withdraw the rejection of the corresponding claims.

### CONCLUSION

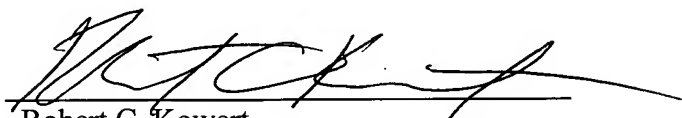
Applicant submits the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-74100/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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